

The House Committee on Education offers the following substitute to HB 740:

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to improved student learning environment and discipline in elementary and secondary education, so as to require local school systems to conduct certain multi-tiered system of supports and reviews prior to expelling or assigning a student in preschool through third grade to out-of-school suspension for five or more consecutive or cumulative days during a school year; to provide exceptions; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to improved student learning environment and discipline in elementary and secondary education, is amended by adding a new Code section to read as follows:

"20-2-742.

(a) As used in this Code section, the term:

(1) 'Multi-tiered system of supports' or 'MTSS' means a systemic, continuous-improvement framework in which data based problem-solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.

(2) 'Public preschool through third grade' means a public preschool, a Pre-K program in a public school administered pursuant to Code Section 20-1A-4, and kindergarten through third grade in a public school.

(3) 'Response to intervention' or 'RTI' means a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.

(4) 'Weapon' shall include dangerous weapons, firearms, and hazardous objects as defined in Code Section 20-2-751.

(b) No student in public preschool through third grade shall be expelled or suspended from school for five or more consecutive or cumulative days during a school year without first receiving a multi-tiered system of supports, such as response to intervention, unless such student possessed a weapon, drugs, or other dangerous instrument or such student's behavior endangers the physical safety of other students or school personnel. If such student is receiving or has received a multi-tiered system of supports, the school shall be deemed to have met the requirements of this Code section.

(c) In addition to the requirements in subsection (b) of this Code section, prior to assigning any student in preschool through third grade to out-of-school suspension for five or more consecutive or cumulative days during a school year, if such student has an Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school or program shall also convene an IEP or Section 504 meeting to review appropriate supports being provided as part of such Individualized Education Program or Section 504 plan."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.